

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MEENA TEJWANI,

05 10699 NMG

Plaintiff,

v.

AMERADA HESS CORPORATION,

Defendant.

Civil Action No.:

**NOTICE OF REMOVAL**

(Superior Court Department of the Trial Court, Essex County, Commonwealth of Massachusetts, Civil Action No. 5-0298)

MAGISTRATE JUDGE Alexandri

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant Amerada Hess Corporation (“Hess” or “the Company”), by its undersigned counsel, respectfully notices removal of this action from the Superior Court Department of the Trial Court, Essex County, Massachusetts, to the United States District Court for the District of Massachusetts, by filing of this Notice of Removal with the Clerk of the United States District Court for the District of Massachusetts.

Hess, by and through its undersigned attorneys, respectfully states the following grounds as the basis for removal of this action:

1. On or about February 22, 2005, Plaintiff Meena Tejwani filed an action in the Superior Court Department of the Trial Court, Essex County, Massachusetts, entitled *Meena Tejwani v. Amerada Hess Corporation*, which was assigned Civil Action No. 5-0298 (the “State Court Action”).

RECEIPT # 63348  
 AMOUNT \$ 50  
 SUMMONS ISSUED 4/12  
 LOCAL RULE 4.1 ✓  
 WAIVER FORM ✓  
 MCF ISSUED ✓  
 BY DPTY. CLK. AHM  
 DATE 4/10/05

2. On or about March 9, 2005, Hess was served with a copy of the Summons and Complaint in the State Court Action by certified mail. (A copy of the Summons and Complaint is annexed hereto as "Exhibit 1"). No other process, pleadings or orders have been received by or served on Hess in the State Court Action.

3. This Notice of Removal is being filed within 30 days after Hess received a copy of the Summons and Complaint in the State Court Action, and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

4. This action is removable pursuant to 28 U.S.C. § 1441(a). It is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, in that there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

**JURISDICTION EXISTS UNDER 28 U.S.C. § 1332**

**The Parties are Diverse**

5. According to Paragraph 1 of the Complaint, Plaintiff Meena Tejwani resides at 28 Atlantic Avenue in Marblehead, Massachusetts. (Compl. ¶ 1). Thus, upon information and belief, Tejwani is now, and at the time the State Court Action was commenced was, a citizen of the state of Massachusetts.

6. Hess is a corporation organized and existing under the laws of the state of Delaware with its principal place of business located in the state of New York at 1185 Avenue of the Americas, New York, NY. Accordingly, pursuant to 28 U.S.C. § 1332, at the time the State Court Action was commenced, and at all times since then, Hess was and is a citizen of the states of Delaware and New York.

7. Plaintiff acknowledges that Hess is incorporated in Delaware and that its principal place of business is in New York. (Compl. ¶ 2).

8. Thus, complete diversity of citizenship exists in the State Court Action.

**The Amount in Controversy Reasonably Exceeds \$75,000**

9. For this Court to have subject matter jurisdiction based on diversity of citizenship, the amount in controversy must exceed the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).

10. In the State Court Action, Plaintiff alleges a claim of disability discrimination and seeks compensatory and punitive damages, emotional distress damages, treble damages, attorney's fees, and other relief. (Compl. "WHEREFORE" clause following ¶ 18).

11. In the Civil Action Cover Sheet filed by the Plaintiff in the State Court Action, Plaintiff calculates her damages at \$300,000. (A copy of the Civil Action Cover Sheet is annexed hereto as "Exhibit 2").

12. A jury in the State Court Action could find that Plaintiff's damages exceed \$75,000 exclusive of costs and interest.

13. Plaintiffs' State Court Action is, therefore, an action of a civil nature between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

14. Upon the filing of this Notice of Removal, Hess will give written notice thereof to Judith A. Miller, Esq. of Attardo and Miller LLP, attorney for the Plaintiff. Hess will also file copies of this Notice with the Clerk, Superior Court Department of the Trial Court, Essex County, Massachusetts. Accompanying this Notice of Removal is a Civil Cover Sheet and a check in the amount of \$250.00 for the required filing fee.

WHEREFORE, Defendant Amerada Hess Corporation respectfully prays that this action proceed in this Court as a matter properly removed thereto.

Dated: April 7, 2005  
Boston, Massachusetts

Respectfully submitted,

AMERADA HESS CORPORATION  
DEFENDANT

By its attorneys,



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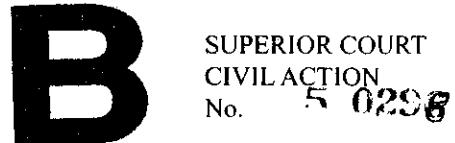
Mark W. Batten (BBO No. 566211)  
Eben A. Krim (BBO No. 652506)  
PROSKAUER ROSE LLP  
One International Place, 22nd Floor  
Boston, MA 02110-2600  
Tel: (617) 526-9850  
Fax: (617) 526-9899

TO: ATTORNEY FOR PLAINTIFF  
Judith A. Miller  
Attardo and Miller LLP  
220 Boylston Street, Suite 101  
Chestnut Hill, MA 02467  
Telephone: (617) 969-2900

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT -  
CONTRACT - EQUITABLE RELIEF - OTHER.)

# COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.



Meena Tejwani

, Plaintiff(s)

v

Amerada Hess Corporation

## SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon Judith A. Miller, Attardo and Miller LLP, plaintiff's attorney, whose address is 220 Boylston St., Suite 101, Chestnut Hill, MA 02467, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Essex County either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

**Barbara J. Rouse**

Thomas H. Discoll Jr.  
Clerk

## NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
  2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT

B

ESSEX, ss.

5 6298

MEENA TEJWANI, )  
Plaintiff, )  
v. )  
AMERADA HESS CORPORATION, )  
Defendant. )

CIVIL ACTION NO. 5 6298

**COMPLAINT**

1. The Plaintiff, Meena Tejwani, is an individual who resides at 28 Atlantic Avenue, in Marblehead, Massachusetts.
2. The Defendant, Amerada Hess Corporation, is a Delaware corporation with a principal place of business at 1185 Avenue of the Americas, New York, NY, 10063.
3. The Plaintiff began working for the Defendant on December 24, 2001 as a management trainee in the Defendant's Beverly, Massachusetts store. After completing her training, she became the manager of another store north of Boston, Massachusetts.
4. At the end of February 2002, The Plaintiff was diagnosed with breast cancer. On February 28, 2002, the Plaintiff began a leave of absence to receive treatment for her cancer.
5. The Plaintiff returned to work during the second week of September 2002, as a manager in the Tewksbury store.
6. On about November 1, 2002, the Defendant transferred Plaintiff to a store in Haverhill, Massachusetts.

- 2 -

7. As the manager of this store, Plaintiff did an excellent job. She was able to dramatically improve the store's appearance, and she increased the store's sales significantly.

8. As a reward for her good performance, the Defendant gave Plaintiff a bonus for the fourth quarter of 2002.

9. At the end of January, 2003, the Plaintiff was transferred to the Defendant's Malden store, which was a gas station without a convenience store and which had a manager in place.

10. At the time of the transfer to the Malden store, the Division Manager, Scott Bushell, told the Plaintiff that he planned to terminate the manager in the Saugus store and that he would transfer her from Malden to Saugus in the next few weeks, after the termination occurred.

11. The Plaintiff was concerned about the transfer to the Malden store, particularly since there were two managers for the small Malden location where she was working, so she called the manager in Tewksbury to ask him what she should do.

12. The Tewksbury manager told Plaintiff that when she returned from her leave of absence, his boss, Shawn Lord, and the Senior Marketing representative, Ernie (last name unknown) talked to him about why she was placed in Tewksbury. Apparently, Mr. Lord and Ernie told this manager that they had to bring the Plaintiff back to work in order to avoid a lawsuit, but that they intended to terminate her. The implication was that the Defendant did not want someone with a disability working as a manager.

13. About 1½ weeks after the Defendant transferred Plaintiff to Malden, Mr. Bushell told her that the Defendant was terminating her employment. When Mr. Bushell told her she

- 3 -

was being terminated, it was clear that the Defendant did not want her because they believed that she was disabled due to breast cancer.

14. At the time of Plaintiff's termination, Mr. Bushell told her that she was a good manager and that he would give her a good reference. He also told her that she looked tired and that, after the surgery she had undergone, she should go home and think about whether she really wanted to work for the Defendant.

15. The Defendant terminated Plaintiff's employment because she had a disability (cancer), and because Defendant perceived her to be disabled as the result of having breast cancer.

16. On October 28, 2003, Plaintiff filed a charge of discrimination against the Defendant with the Massachusetts Commission Against Discrimination.

15. By letter dated October 18, 2004, Plaintiff requested to withdraw her discrimination charge against the Defendant for the purpose of filing this action, and she received a right to sue letter from the Massachusetts Commission Against Discrimination on October 29, 2004.

17. By terminating Plaintiff's employment because she is disabled or because Defendant perceived her as being disabled, Defendant discriminated against Plaintiff because of her disability in violation of the Massachusetts Anti-Discrimination Statute, Mass. Gen. Laws ch. 151B, § 4 ("Chapter 151B").

18. As the result of Defendant's actions, Plaintiff has lost wages and suffered extreme emotional distress.

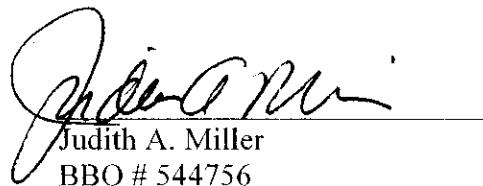
- 4 -

WHEREFORE, Plaintiff demands judgment in her favor and for compensatory damages, emotional distress damages, punitive damages, treble damages, attorney's fees, interest and costs and for such other relief as the court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY OF ALL ISSUES IN HER COMPLAINT

MEENA TEJWANI

By Her Attorney,



Judith A. Miller  
BBO # 544756  
Attardo and Miller LLP  
220 Boylston Street, Suite 101  
Chestnut Hill, MA 02467  
617-969-2900

DATED: February 17, 2005

**CIVIL ACTION  
COVER SHEET**

Case 1:05-cv-10699-NMG

DOCKET NO.(S)

Document 1-3

Filed 04/07/10 Court of Massachusetts  
Superior Court Department

County: Essex

PLAINTIFF(S)  MEENA TEJWANI	DEFENDANT(S)  AMERADA HESS CORPORATION
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE  Judith A. Miller, Attardo and Miller LLP 220 Boylston Street, Suite 101 Chestnut Hill, MA 02467 617-969-2900 Board of Bar Overseers number: 544756	ATTORNEY (if known)  UNKNOWN

**Origin code and track designation**

Place an x in one box only:

- 1. F01 Original Complaint
- 2. F02 Removal to Sup.Ct. C.231,s.104  
(Before trial) (F)
- 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
- 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P.60) (X)
- 6. E10 Summary Process Appeal (X)

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**  
CODE NO.      TYPE OF ACTION (specify)      TRACK      IS THIS A JURY CASE?

B22      Employment Discrimination      ( F )      ( X ) Yes      ( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**

(Attach additional sheets as necessary)

## A. Documented medical expenses to date:

- 1. Total hospital expenses
- 2. Total Doctor expenses
- 3. Total chiropractic expenses
- 4. Total physical therapy expenses
- 5. Total other expenses (describe)

\$  
\$  
\$  
\$  
\$

Subtotal \$

## B. Documented lost wages and compensation to date

\$

## C. Documented property damages to date

\$

## D. Reasonably anticipated future medical and hospital expenses

\$

## E. Reasonably anticipated lost wages

\$

## F. Other documented items of damages (describe)

\$

## G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

\$

TOTAL \$

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s): Defendant terminated Plaintiff's employment because of a disability (cancer) and/or Defendant perceived her as having a disability, in violation of MGLA ch. 151B, § 4

TOTAL \$ 300,000

PLEASE IDENTIFY, BY CASE NUMBER, NAME

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE 2/17/05

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Meena Tejwani v. Amerada Hess Corporation

1. Title of case (name of first party on each side only) \_\_\_\_\_

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO 

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO 

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO 

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO 

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES  NO 

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division  Central Division  Western Division 

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division 

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO 

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Eben A. Krim

ADDRESS Proskauer Rose LLP, One International Place, 22nd Floor, Boston, MA 02110

TELEPHONE NO. (617) 526-9600

(CategoryForm.wpd - 2/15/05)

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

MEENA TEJWANI

(b) County of Residence of First Listed Plaintiff Essex  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Judith A. Miller, Attardo & Miller LLP, 220 Boylston Street,  
Suite 101, Chestnut Hill, MA 02467, (617) 969-2900**DEFENDANTS**

AMERADA HESS CORPORATION

County of Residence of First Listed Defendant Delaware  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

Eben A. Krim, Proskauer Rose LLP, One International Place,  
22nd Floor, Boston, MA 02110 (617) 526-9600**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |                                                      |                                                                                                  |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)                        |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	<input checked="" type="checkbox"/> PTF	<input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRIISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<b>Habcas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 900Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes
LABOR	SOCIAL SECURITY			
<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)			
<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)			
<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))			
<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI			
<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))			
<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act				
FEDERAL TAX SUITS				
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)				
<input type="checkbox"/> 871 IRS—Third Party				
	26 USC 7609			

**V. ORIGIN**

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7

Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sections 1441(a) and 1446

Brief description of cause:

Employment discrimination: complete diversity of citizenship

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION

UNDER F.R.C.P. 23

DEMAND \$

300,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/7/05

SIGNATURE OF ATTORNEY OF RECORD

*Eben A. Krim*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IPP

JUDGE

MAG. JUDGE